## Message Text

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INFO OCT-01 EUR-12 ISO-00 COME-00 DLOS-09 L-03 INT-05 PM-05 DODE-00 CIAE-00 INR-07 NSAE-00 NSF-01 /050 W -------084813 041538Z /46

P 041500Z AUG 77 FM AMEMBASSY MOSCOW TO SECSTATE WASHDC PRIORITY 621

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DEPT PASS NOAA MARTINEAU

E.O. 11652: N/A

TAGS TOCY, TPHY, PLOS, TBIO, UR, US

SUBJECT: NOAA MARINE SCIENTIFIC RESEARCH IN BERING SEA

REFS: (A) STATE 178466, (B) STATE 178332, (C) MOSCOW 10472 (D) DEPT A-3095 OF 7/27/77

- 1. AT SOVIET REQUEST EMBOFF MET WITH OFFICIALS OF THE STATE COMMITTEE FOR SCIENCE AND TECHNOLOGY (SCST) TO DISCUSS BERING SEA OCEANOGRAPHIC RESEARCH CRUISES OF NOAA VESSELS SURVEYOR AND DISCOVERER. SCST OFFICIAL, WHO HAS RECEIVED CHART OF THE CRUISES, STATED THAT HE HAD CONSULTED ON THIS MATTER WITH REPRESENTATIVES OF THE ACADEMY OF SCIENCES AND THE MINISTRY OF FOREIGN AFFAIRS (MFA). HE NOTED THAT THE USSR HAD NOT YET DEVELOPED ANY PROCEDURES CONCERNING SCIENTIFIC RESEARCH CONDUCTED BY FOREIGN VESSELS WITHIN SOVIET 200-MILE ZONE. IN ORDER TO HAVE A BASIS FOR DECIDING WHETHER THE RESEARCH OF THE NOAA VESSELS FELL WITHIN THE PROVISIONS OF THE SOVIET 200-MILE ZONE, HE ASKED EMB TO SEND NOTIFICATION OF THE CRUISES TO MFA. SCST REP STATED THAT HE WAS NOT ASKING THE US TO FILE REQUEST FOR PERMISSION TO CARRY OUT RESEARCH.
- 2. EMBOFF STRESSED THAT WE HAD ALREADY INFORMED SOVIETS LIMITED OFFICIAL USE

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THAT NOAA VESSELS WILL NOT ENGAGE IN ANY FISHERIES RESEARCH NOR IN ANY COLLECTION OF BIOLOGICAL DATA WITHIN SOVIET WATERS. EMBOFF QUESTIONED BASIS FOR SOVIET REQUEST SINCE THE DECEMBER 10, 1976 DECREE OF THE SUPREME SOVIET EXTENDED SOVIET RIGHTS ONLY OVER "FISH AND OTHER LIVING RESOURCES," WHICH ARE NOT IN QUESTION DURING THE RESEARCH OF THE NOAA VESSELS. EMBOFF REPEATED STATEMENTS OF PARA 3, REF A TO

EFFECT THAT ACCEPTANCE OF A PROVISION AT LAW OF THE SEA (LOS) CONFERENCE DOES NOT MEAN THAT WE ACCEPT ITS IMPLEMENTATION PRIOR TO APPLICATION OF A LOS TREATY. EMBOFF ALSO STRESSED NEGATIVE IMPACT ON U.S. SCIENTIFIC COMMUNITY WHICH WOULD BE CAUSED BY ANY SOVIET ATTEMPT TO REQUIRE PRIOR CONSENT FOR SCIENTIFIC RESEARCH WITHIN THE SOVIET 200 MILE ZONE. IN CONCLUSION, EMBOFF PROMISED TO CONVEY SCST OFFICIAL'S COMMENTS TO WASHINGTON WITH A REQUEST FOR INSTRUCTIONS.

- 3. COMMENT: WE CANNOT BE SURE WHAT IS BEHIND THIS SOVIET REQUEST FOR NOTIFICATION. SCST OFFICIAL'S REMARKS MAY MEAN THAT SOVIETS ARE WORKING OUT PROCEDURES CONCERNING FOREIGN SCIENTIFIC RESEARCH IN 200 MILE ZONE WHICH WILL BE IMPLEMENTED AT A LATER DATE. WE WILL LEAVE ANALYSIS OF LOS IMPLICATIONS OF THIS SOVIET MOVE TO DEPT LOS SPECIALISTS; HOWEVER, REQUEST FOR DIPLOMATIC NOTIFICATION MAY BE SOVIET ATTEMPT TO BUTTRESS THEIR LOS POSITION ON PRIOR NOTIFICATION OF MARINE SCIENTIFIC RESEARCH WITHIN THE 200 MILE ZONE. END COMMENT.
- 4. ACTION REQUESTED: PLEASE ADVISE WHETHER WE SHOULD SEND NOTIFICATION OF THE CRUISES OF THE NOAA RESEARCH VESSELS TO MFA.
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## Message Attributes

Automatic Decaptioning: X

Capture Date: 01-Jan-1994 12:00:00 am Channel Indicators: n/a

**Current Classification: UNCLASSIFIED** 

Concepts: RESEARCH, DATA, OCEANOGRAPHIC RESEARCH, SCIENTIFIC MEETINGS

Control Number: n/a

Copy: SINGLE
Sent Date: 04-Aug-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am

Decaption Note: Disposition Action: RELEASED Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW

Disposition Date: 22 May 2009 Disposition Event:

Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977MOSCOW11282
Document Source: CORE
Document Unique ID: 00

**Document Unique ID: 00** Drafter: n/a

Enclosure: n/a Executive Order: N/A Errors: N/A

**Expiration:** Film Number: D770279-0918 Format: TEL

From: MOSCOW Handling Restrictions: n/a

Image Path:

ISecure: 1

Legacy Key: link1977/newtext/t19770897/aaaadegg.tel

Line Count: 85 Litigation Code IDs: Litigation Codes:

Litigation History: Locator: TEXT ON-LINE, ON MICROFILM Message ID: a8a2fc61-c288-dd11-92da-001cc4696bcc

Office: ACTION OES

Original Classification: LIMITED OFFICIAL USE Original Handling Restrictions: n/a Original Previous Classification: n/a Original Previous Handling Restrictions: n/a

Page Count: 2
Previous Channel Indicators: n/a

Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 77 STATE 178466, 77 STATE 178332, 77 MOSCOW 10472, 77 STATE A-3095

Retention: 0

Review Action: RELEASED, APPROVED Review Content Flags: Review Date: 14-Mar-2005 12:00:00 am Review Event:

Review Exemptions: n/a **Review Media Identifier:** Review Release Date: n/a Review Release Event: n/a **Review Transfer Date:** Review Withdrawn Fields: n/a

SAS ID: 1709317 Secure: OPEN Status: NATIVE

Subject: NOAA MARINE SCIENTIFIC RESEARCH IN BERING SEA

TAGS: TOCY, TPHY, PLOS, TBIO, UR, US

To: STATE Type: TE

vdkvgwkey: odbc://SAS/SAS.dbo.SAS\_Docs/a8a2fc61-c288-dd11-92da-001cc4696bcc

Review Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009

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